

1 GEOFFREY HANSEN
Acting Federal Public Defender
2 VARELL L. FULLER
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant VO
6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR 10-00731 LHK
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING TO
13 vs.)	FEBRUARY 29, 2012, AND EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
14 DUNG QUOC VO,)	
)	
15 Defendant.)	
)	

16
17 **STIPULATION**

18 The parties, Dung Quoc Vo, and the government, acting through their respective counsel,
19 hereby stipulate, subject to the Court's approval, that the status hearing date currently set for
20 January 11, 2012, be vacated and continued to February 29, 2012, at 10:00 a.m.

21 The reason for the requested continuance is because Mr. Vo is a lawful permanent
22 resident; and in response to a defense discovery request, government counsel provided Mr. Vo's
23 A-file. Defense counsel subsequently retained an immigration specialist to consult with about
24 the possible consequences of a plea by Mr. Vo in this matter. Defense counsel's consultations
25 with that expert are not yet complete, and counsel for Mr. Vo therefore respectfully requests a
26 further continuance and exclusion of time based on defense counsel's need to effectively

prepare.

Accordingly, the parties agree and stipulate that time should be excluded from January 11, 2012, through and including February 29, 2012, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation. Mr. Vo, and the government further agree that granting the requested exclusion of time will serve the interest of justice and the ends of justice outweigh the interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: January 10, 2012

_____/s/_____
VARELL L. FULLER
Assistant Federal Public Defender

Dated: January 10, 2012

_____/s/_____
MICHELLE J. KANE
Assistant United States Attorney

//
//
//
//
//

~~[Proposed]~~ ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the status hearing currently set for January 11, 2012, shall be continued to February 29, 2012, at 10:00 a.m.

THE COURT FINDS that failing to exclude the time between January 11, 2012, and February 29, 2012, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time Stipulation and ~~[Proposed]~~ Order Continuing Hearing
No. CR 10-00731 LHK

1 between January 11, 2012, and February 29, 2012, from computation under the Speedy Trial
2 Act outweigh the interests of the public and the defendant in a speedy trial.

3 THEREFORE, IT IS HEREBY ORDERED that the time between January 11, 2012, and
4 February 29, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7
8 Dated: 1/10/12


THE HONORABLE LUCY H. KOH
United States District Court Judge